

Message Text

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ACTION DLOS-09

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-11

ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01

SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05

IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-07

OMB-01 PA-01 PM-05 SP-02 SS-15 ICA-11 OIC-02

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R 200949Z MAY 78

FM USMISSION GENEVA

TO SECSTATE WASHDC 9924

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 07813

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONFERENCE - MAY 16 HIGHLIGHTS

BEGIN SUMMARY:CHAIRMEN KOH (NG-2) AND ENGO (NG-3) DELIVERED
REPORTS TO COMMITTEE I. FINAL REPORTS WERE CONSIDERED IN
COMMITTEE II. END SUMMARY.

1. COMMITTEE I HELD A SHORT MEETING AT WHICH CHAIRMAN KOH
RENDERED A REPORT ON THE RESULTS OF NG-2. (THIS REPORT
WILL BE DELIVERED TO PLENARY ON MAY 19.) THERE WERE NO
COMMENTS AND THE SESSION ADJOURNED.

2. NG-3 CHAIRMAN ENGO IN A VERY ABBREVIATED MEETING GAVE
NO ORAL REPORT ON HIS COMMITTEE BUT REFERRED DELEGATES
TO HIS WRITTEN REPORT (SENT SEPTTEL). THIS SUMMARY
DISCUSSED PROPOSALS MADE BY THE GROUP DURING THE COURSE OF
NEGOTIATIONS.

3. COMMITTEE II MET INFORMALLY TO CONSIDER FINAL REPORTS
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FROM THE CHAIRMAN OF ITS NEGOTIATING GROUPS NG4- (LL/GDS),
NG-6 (CONTINENTAL SHELF/REVENUE SHARING), AND NG-7
(DELIMITATION BETWEEN OPPOSITE AND ADJACENT STATES). AT
THE BEHEST OF THE CHAIRMAN (AGUILAR), THERE WAS LITTLE
SUBSTANTIVE DEBATE OF THE REPORTS, WITH MOST DELEGATIONS
SIMPLY JUSTIFYING THEIR SUPPORT OR OPPOSITION. NG-4
CHAIRMAN NANDAN GAVE A SUCCINCT REVIEW OF THE RESULTS OF

THE SESSION'S NEGOTIATIONS ON THE LL/GDS ISSUE. HE CHARACTERIZED THE LL/GDS COMPROMISE PROPOSAL AS REPRESENTING A MUCH IMPROVED BASIS FOR RESOLUTION OF THE QUESTION AND, AS SUCH, HE WOULD RECOMMEND IT TO THE PLENARY. THERE WAS A POSITIVE RESPONSE TO NANDAN'S ASSESSMENT, WITH MOST DELEGATIONS ECHOING HIS VIEWS. WHILE MANY STATES RESERVED THEIR RIGHT TO COMMENT ON AND OFFER IMPROVEMENTS

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TO THE TEXT, MANY STATED NONETHELESS THAT THEY WOULD ENDORSE ITS INCLUSION IN A REVISED TEXT. CONTROVERSY AROSE, HOWEVER, NOT OVER THE DESIRABILITY AND MERITS OF THE NANDAN PROPOSAL, BUT ON THE QUESTION OF WHETHER ITS ACCEPTANCE WAS PART OF A PACKAGE DEAL. THUS, AUSTRALIA, URUGUAY, MEXICO, PAKISTAN, ARGENTINA, ECUADOR, CHILE IRELAND, NEW ZEALAND, UK, CANADA, NORWAY AND FRANCE INSISTED UPON A LINKAGE BETWEEN THE INCLUSION OF THE NANDAN TEXT IN A REVISED ICNT AND A CONCOMITANT INCLUSION OF THE IRISH FORMULA. THE IDEA OF A LINKAGE BETWEEN THE TWO ISSUES WAS REJECTED BY MEMBERS OF THE LL/GDS, THE USSR, AND ITS EASTERN EUROPEAN ALLIES. THE NANDAN COMPROMISE WAS SEEN AS DEFICIENT BY UGANDA AND ZAMBIA (SURPLUS SHOULD NOT APPLY TO DEVELOPING LL STATES), TRINIDAD AND TOBAGO (NO ASSURED ACCESS FOR DEVELOPING LL/GDS), YUGOSLAVIA (OPPOSED ARTICLE 62, PARA 2), PAKISTAN AND SPAIN.

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4. NG-7 CHAIRMAN MANNER REPORTED THAT NO COMPROMISE WAS REACHED ON THE QUESTION OF DELIMITATION BETWEEN OPPOSITE AND ADJACENT STATES. ALTHOUGH THERE WAS WIDESPREAD SUPPORT FOR ARTICLE 15 OF THE ICNT, A WIDE DIVERGENCE OF VIEWS EXISTED ON THE APPLICABILITY OF EQUIDISTANCE OR EQUITABLE PRINCIPLES AS THE DOMINANT MODE OF DELIMITATION IN ARTICLES 74 AND 83. MANNER NOTED THAT THERE WAS CONSENSUS ON TWO POINTS: (A) DELIMITATION SHOULD BE BY AGREEMENT AND (B) DELIMITATION SHOULD TAKE INTO ACCOUNT RELEVANT AND SPECIAL CIRCUMSTANCES. FINALLY, THERE WAS GENERAL SUPPORT FOR CONTINUATION OF THE NEGOTIATIONS AT A LATER STAGE OF THE CONFERENCE, AND ON THE INSEPARABILITY OF THE RELATED QUESTIONS OF DELIMITATION AND DISPUTE SETTLEMENT. MANNER'S REPORT WAS ENDORSED AS TO ITS ACCURACY AND COVERAGE BY IRELAND.

5. NG-4 CHAIRMAN AGUILAR REPORTED THAT NO RAPPROACHMENT HAD BEEN ACHIEVED BETWEEN THE IRISH FORMULA AND THE SOVIET PROPOSAL AND, THEREFORE, THE ISSUE OF THE DEFINITION OF THE MARGIN AND REVENUE SHARING REMAINED DEADLOCKED. IN RESPECT TO THE COMMITTEE II DEBATE OF "OTHER ISSUES",

AGUILAR ENUMERATED FIVE INFORMAL PROPOSALS WHICH HE CONSIDERED HAD FULFILLED THE CRITERIA OF WIDESPREAD AND SUBSTANTIAL SUPPORT IN ACCORDANCE WITH THE DICTATES OF DOCUMENT A/CONF. 62/62. THESE WERE: (1) INDONESIA'S PROPOSAL TO ADD "OR" AFTER "ROADSTEAD" IN ARTICLE 18(1); (2) BELGIUM'S PROPOSAL TO ADD THE WORDS "OR FOR THE SAFETY OF SHIPPING", AT THE END OF THE FIRST SENTENCE OF ARTICLE 25(3); (3) INDONESIA'S SUGGESTION TO DELETE "SAFE"

FROM ARTICLE 53(1); (4) THE JOINT PROPOSAL OF THE US, USSR, ET AL. ON ARTICLE 66 (SALMON); AND (5) THE BRAZILIAN RECOMMENDATION TO INSERT THE WORDS "AND NON-LIVING" AFTER "LIVING" IN ARTICLE 73(1). THE US (CLINGAN) OPPOSED THE

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CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01
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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 07813

INCLUSION OF THE INFORMAL AMENDMENTS TO ARTICLES 25 AND 73, NOTING THAT THEY HAD NOT MET THE REQUISITE CRITERIA FOR REVISION. THEREFORE, THE US OPPOSED THEIR INCLUSION IN ANY REVISED TEXT. AUSTRIA AGAIN SUBMITTED ITS PROPOSAL ON ARTICLE 55, NOTING ITS WIDESPREAD SUPPORT. AUSTRIA'S ARGUMENTS WERE REBUFFED BY NUMEROUS STATES WHO AGAIN STATED THEIR FULL SUPPORT FOR THE EEZ PACKAGE OF THE ICNT. URUGUAY SOUGHT INCLUSION OF "THE OTHER ACTIVITIES" FOR "OTHER ACTIVITIES" IN ARTICLE 56(1)(A). SIMILARLY, HONDURAS ARGUED THAT ITS PROPOSAL TO DELETE THE WORDS "AND SERIOUS" FROM ARTICLE 19(2)(H) HAD RECEIVED WIDE-SPREAD AND SUBSTANTIAL SUPPORT. BOTH ARGUMENTS WERE REJECTED.

6. THERE WERE NO OTHER MEETINGS OF SUBSTANCE.

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